

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Northern Division**

**KELLY JORDAN**

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**Plaintiff**

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**CIVIL ACTION NO.: 1:23-CV-03413**

**V**

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**MAYOR & CITY COUNCIL OF  
BALTIMORE CITY, et al.**

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**Defendants**

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**PLAINTIFF'S SHOW CAUSE MEMORADUM OF LAW**

NOW COMES Plaintiff Kelly Jordan, personal representative of the Estate of Marcus Martin, by and through her attorneys Brandon C. James, Esq., and the James Legal Group, LLC, and shows cause why this matter should not be dismissed without prejudice against Defendant Ian Smith and in support thereof states:

1. On June 7, 2024, Plaintiffs received correspondence from this Honorable Court requesting that a summons be requested for Defendant Ian Smith.
2. On June 11, 2024, Plaintiffs requested a summons be issued for Defendant Ian Smith. However, due to a technical difficulty, the request was filed under a different case number. **See QC Notice from this Honorable Court stating that the request was filed under the wrong case number attached as Exhibit A.**
3. To establish "good cause," a movant must show "'that the deadlines cannot be reasonably be met despite the party's diligence,' and whatever factors are also considered, 'the good cause standard will not be satisfied if the [district] court concludes that the party seeking relief (or that party's attorney) has not acted diligently in compliance with the schedule. In addition, courts may consider "whether the party acted in good faith, the length of the delay

and its effects, and whether the delay will prejudice the non-moving party" in order to determine whether the moving party met its burden. *Walker v. Cardinal Logistics Mgmt. Corp.*, 2020 U.S. Dist. LEXIS 73548, \*5-6.

4. There was no deadline in the June 7, 2024, correspondence from this Honorable Court. Plaintiff acted diligently when she filed the request, but does admit that the filing was prepared under the wrong case number. Plaintiff made a good faith effort to request a summons renewal in a reasonable time. The delay in making the request does not prejudice any Defendant in this matter.
5. Because Defendant has not been prejudiced, Plaintiff acted diligently, and there was no deadline in the June 7, 2024 request, Plaintiff request that this matter not be dismissed against Defendant Smith.

Respectfully submitted,

/s/ \_\_\_\_\_  
Brandon C. James  
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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I CERTIFY that on June 19, 2024, the foregoing was sent via electronic filing to:

Brent D. Schubert, Esq.  
Kara K. Lynch, Esq.  
Baltimore City Law Department  
Office of Legal Affairs  
100 N. Holliday Street  
Baltimore, MD 21202  
Counsel for Defendant BPD and Baltimore City

Respectfully submitted,

/s/ \_\_\_\_\_  
Brandon C. James